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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,383	04/15/2004	Michael J. Shanor	380-177	8453
1009	7590	12/11/2006	EXAMINER	
KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,383

Applicant(s)

SHANOR ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 15, 17, 18 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 10, 13-14, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/17/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6-8, 11, 15 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lackner et al..

Lackner et al. discloses a body (fig. 1, #10).

Lackner et al. discloses a first means/wand receiver on the body for holding a wand (fig. 2, #13).

Lackner et al. discloses a second means/cleaning tool receiver on the body for holding a cleaning tool (fig. 2, #18).

With respect to claim 6, Lackner et al. discloses the wand receiver including a socket (fig. 2, #13).

With respect to claim 7, Lackner et al. discloses a stabilizer (fig. 4, #33a, col. 4, lines 17-23).

With respect to claims 8 and 17, Lackner et al. discloses the socket including an end wall (fig. 4, #21).

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With respect to claim 11, Lackner et al. discloses a second receiver in the first receiver for holding a cleaning tool (fig. 5, #33b).

With respect to claim 15, Lackner et al. discloses the first receiver including a socket (fig. 2, #13).

3. Claims 1-2, 4-5 and 21-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stoner.

Stoner discloses a body (fig. 4, #36).

Stoner discloses a first means/wand receiver on the body for holding a wand (fig. 2, #46).

Stoner discloses a second means/cleaning tool receiver on the body for holding a cleaning tool (fig. 1, #38,52).

With respect to claim 4, Stoner discloses a clip adjacent the wand receiver (fig. 3, #48).

With respect to claim 5, Stoner discloses a conduit joiner having a mounting section received in the clip (figs. 2-3, joiner- #68, mounting section-curved portion of #68).

With respect to claims 21-22, Stoner discloses a vacuum cleaner including the tool holder (fig. 1, #10).

4. Claims 1-3, 6-7, 11-12, 15 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tomasiak.

Tomasiak discloses a body (fig. 5, #3).

Tomasiak discloses a first means/wand receiver on the body for holding a wand (fig. 4, #25).

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Tomasiak discloses a second means/cleaning tool receiver on the body for holding a cleaning tool (fig. 4, #33).

With respect to claims 3 and 12, Tomasiak discloses a lug (figs. 3-4, unnumbered element to left of #17).

With respect to claim 6, Tomasiak discloses the wand receiver including a socket (fig. 4, #25).

With respect to claim 7, Tomasiak discloses a stabilizer (fig. 4, #29,31).

With respect to claim 11, Tomasiak discloses a second receiver in the first receiver for holding a cleaning tool (fig. 4, #29).

With respect to claim 15, Tomasiak discloses the first receiver including a socket (fig. 4, #25).

With respect to claim 23, Tomasiak discloses a vacuum cleaner including the tool holder (fig. 1, #5).

5. Claims 1-2, 6-9, 11, 15, 17-18 and 21-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Berfield.

Berfield discloses a body (fig. 2, #52).

Berfield discloses a first means/wand receiver on the body for holding a wand (fig. 2, #64).

Berfield discloses a second means/cleaning tool receiver on the body for holding a cleaning tool (fig. 2, #66 or fig. 3, #68, col. 2, lines 38-40).

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With respect to claim 6, Berfield discloses the wand receiver including a socket (fig. 2, #64).

With respect to claim 7, Berfield discloses a stabilizer (fig. 64, #68).

With respect to claims 8 and 17, Berfield discloses the socket including an end wall (fig. 6, unnumbered wall at end of #64).

With respect to claims 9 and 18, Berfield discloses the cleaning tool receiver in the end wall (fig. 6, #68).

With respect to claim 11, Berfield discloses a second receiver in the first receiver for holding a cleaning tool (fig. 6, #68).

With respect to claim 15, Berfield discloses the first receiver including a socket (fig. 2, #64).

With respect to claims 21-23, Berfield discloses a vacuum cleaner including the tool holder (fig. 1, #26).

6. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Roney et al..

Roney et al. discloses a body (fig. 1, #12).

Roney et al. discloses a first means/wand receiver on the body for holding a wand (fig. 4, #38).

Roney et al. discloses a second means/cleaning tool receiver on the body for holding a cleaning tool (fig. 4, #46).

With respect to claim 3, Roney et al. discloses a lug (fig. 1, #86).

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With respect to claim 4, Roney et al. discloses a clip adjacent the wand receiver (fig. 4, #44).

With respect to claim 6, Roney et al. discloses the wand receiver including a socket (fig. 1, #38).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berfield in view of GB2346802.

Berfield discloses a similar method however fails to disclose holding the cleaning tool in the wand.

Berfield discloses holding a wand in a tool holder (fig. 1, #52, unnumbered dotted lines).

GB2346802 discloses storing a cleaning tool on a wand in a holder (fig. 5. #19,18). It would have been obvious to one of ordinary skill in the art to store the tool of Berfield in the wand, as disclosed in GB2346802, to allow for immediate use to clean extended areas without having to assemble the pieces.

Berfield discloses holding tools in the holder when they are not in use (col. 2, lines 38-40). It would have been obvious to one of ordinary skill in the art to store the tool of Berfield in the holder when not in use because Berfield discloses doing such.

Allowable Subject Matter

11. Claims 10, 13-14, 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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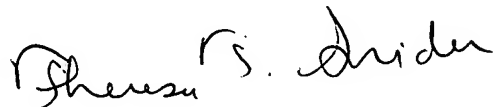
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim discloses a tool holder having a body, first means for holding a wand and second means for holding a tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Theresa T. Snider
Primary Examiner
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12/5/06